

1 THE HONORABLE RONALD B. LEIGHTON  
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6 U.S. DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON

8 NICOLE and GUY MAEL, NADINE  
9 VIGLIANO, BRITNEY MOREA, CAROL  
10 CONWAY, ANGELA BERTUCCI and TINA  
11 WIEPERT, on behalf of themselves and all  
12 others similarly situated,

13 Plaintiffs,

14 vs.

15 EVANGER'S DOG AND CAT FOOD  
16 CO., INC., NUTRIPACK, LLC, AGAINST THE  
17 GRAIN PET FOODS, and SHER SERVICES  
18 COMPANY INCORPORATED,

19 Defendants.

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20 EVANGER'S DOG AND CAT FOOD CO.,  
21 INC.,

22 Counterclaimant,

23 vs.

24 NICOLE MAEL,

25 Counterdefendant.

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26 NO. 3:17-cv-05469-RBL

27 **STIPULATED MOTION AND ORDER  
TO EXTEND THE SETTLEMENT  
SCHEDULE**

## I. STIPULATION

Plaintiffs Nicole and Guy Mael, Nadine Vigliano, Britney Morea, Carol Conway, Angela Bertucci and Tina Wiepert, on behalf of themselves and the Settlement Class, and Defendants Evanger's Dog and Cat Food Co., Inc., Nutripack, LLC, and Sher Services Company Incorporated, jointly move the Court for an extension of the remaining deadlines in connection with settlement approval. In support of this request, the parties state as follows:

1. On October 24, 2019, the Court entered an Order preliminarily approving a class action settlement of all claims asserted in this litigation. [Dkt. #120.] The Court filed an amended Order the next day. [Dkt. #121.] The parties refer to this amended Order as the Preliminary Approval Order.

2. In the Preliminary Approval Order, the Court approved a plan for notifying the Settlement Class of the settlement and appointed CPT Group, Inc. as the Settlement Administrator.

3. In addition, the Court set various deadlines including (1) a deadline of **February 10, 2020** for Plaintiffs' counsel to submit their motion for attorneys' fees, reimbursement of litigation costs, and for service awards; (2) a deadline of **March 9, 2020** for Settlement Class Members to submit claims, exclusion requests, and objections; and (3) a deadline of **April 20, 2020** to file responses to any objections, a motion for final approval, and declarations confirming that the notice plan was carried out as set forth in the Settlement Agreement. The Court set a final approval hearing for **May 8, 2020 at 9:30 a.m.**

4. CPT Group commenced the notice program on January 7, 2020. However, the parties recently learned that a group of 122 Settlement Class members did not receive email notice because their names and contact information were not forwarded to the Settlement Administrator. In order to provide notice to these 122 people, the parties jointly request that the remaining settlement deadlines be extended so that the 122 people may be emailed notice of the settlement and provided time to submit a claim, opt out of the settlement or object.

1       5.     CPT Group has informed the parties that it can email notice to the 122 additional  
 2 Settlement Class members with only one business day's notice. The parties request that the 122  
 3 additional Settlement Class members be given 60 days to submit a claim, opt out, or object. To  
 4 avoid multiple deadlines and confusion, the parties request that the deadlines be extended for  
 5 all Settlement Class members. The parties further request that the deadlines for filing papers in  
 6 support of Class Counsel's fees and final approval motion also be extended. Resolution of these  
 7 issues likely will require delay of the final approval hearing.

8       6.     The parties will ensure that all new deadlines are posted prominently on the  
 9 Settlement Website.

10      Based on the foregoing, the parties request the following schedule:

11 <b>DEADLINE</b>	12 <b>EVENT</b>
13           February 7, 2020	14           Deadline for CPT Group to email notice to 122 additional 15           Settlement Class members
16           April 8, 2020	17           Deadline for Class Counsel to file motion for attorneys' fees, 18           reimbursement of litigation costs, and for service awards
19           March 9, 2020	20           Deadline for Settlement Class Members to submit claims, 21           exclusion requests, and objections
22           May 8, 2020	23           Settlement Administrator completes review of claims.
24           May 22, 2020	25           Deadline to file responses to objections, motion for final 26           approval, Settlement Administrator declaration, and Amazon 27           declaration
28           At the Court's discretion	29           Final Approval Hearing

RESPECTFULLY SUBMITTED AND DATED this 10th day of February, 2020.

## TERRELL MARSHALL LAW GROUP PLLC

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## II. ORDER

IT IS SO ORDERED.

Dated this 10<sup>th</sup> day of February, 2020.

Ronald B. Lightner

Ronald B. Leighton  
United States District Judge